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October 1, 2002

Time: 1:35pm  
(Minneapolis, Minn.)TO: Commissioner for Patents  
Attn: Stew Levey  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231FROM: Timothy B. CliseOUR REF: 303.623US3TELEPHONE: (612) 349-9587FAX NUMBER (703) 305-3719

\* Please deliver to Examiner Stew Levey in Art Unit 2187. \*

Document(s) Transmitted: A Supplemental Petition to Suspend (3 pgs.)Total pages of this transmission, including cover letter: 4 pgs

If you do NOT receive all of the pages described above, please telephone us at 612-373-6900, or fax us at 612-339-3061.

In re. Patent Application of: Jeffrey S. Mailloux et al.Examiner: Hong KimSerial No.: 08/984,562Group Art Unit: 2187Filed: December 3, 1997Docket No.: 303.623US3Title: MEMORY DEVICE FOR BURST OR PIPELINED OPERATION WITH MODE  
SELECTION CIRCUITRY

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

By: Timothy B. Clise  
Name: Timothy B. Clise  
Reg. No.: Reg. No. 40,957

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Tina M. Kohout  
Tina M. Kohout10/1/02  
Date of Transmission

S/N 08/984,562PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jeffrey S. Mailloux et al.	Examiner:	Hong Kim
Serial No.:	08/984,562	Group Art Unit:	2187
Filed:	December 3, 1997	Docket:	303.623US3
Title:	MEMORY DEVICE FOR BURST OR PIPELINED OPERATION WITH MODE SELECTION		

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SUPPLEMENTAL PETITION TO SUSPEND ACTION UNDER 37 C.F.R. §1.103(a)

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The Applicants hereby respectfully petition for suspension of further action in the matter of Application Serial Number 08/984,562 under 37 C.F.R. §1.103(a). Please charge Deposit Account No. 19-0743 in the amount of \$130.00 to cover the fee set forth in 37 C.F.R. §1.17(h).

In particular, the Applicants request suspension of further action by the Office in this matter with a showing of good and sufficient cause, namely:

1. The Applicants have filed patent applications in the following related matters, including this matter, all currently pending before the Office, and listed by Application Serial Number:  
  
08/650,719  
08/984,560  
08/984,561  
**08/984,562**  
08/984,563  
08/984,701
2. The Applicants have appealed the rejection of all pending claims in Application Serial Number 08/984,561 based upon apparently inconsistent information contained in each of two issued patents, U.S. Patent No. 5,587,964, issued to Rosich et al., hereinafter "Rosich"; and U.S. Patent No. 5,610,864, issued to Manning, hereinafter "Manning", to wit:

*With respect to Rosich:* the Applicants look to the Board to resolve the following issue: does Rosich in fact teach the ability to change modes of memory operation *without* having to re-assert a row address select (RAS) signal?

## PETITION TO SUSPEND ACTION UNDER 37 C.F.R. § 1.103(a)

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*With respect to Manning:* the Applicants look to the Board to resolve the following issue: does Manning in fact teach *switching* or *selecting* between burst and pipelined modes of memory operation?

3. The Office has rejected 20 out of 22 claims in the instant matter (Ser. No. 08/984,562) under 35 U.S.C. §§ 102 and 103 based upon the assertion that Manning teaches switching between burst and pipelined modes of memory operation. This assertion, contested by the Applicants, is identical to one of the two issues to be decided in the appealed matter (Ser. No. 08/984,561).
4. It is therefore believed by the Applicants' representative that the issue presented with respect to Manning in the appealed matter is intertwined integrally with, and dispositive of, the rejections tendered by the Office in the instant matter.
5. "Examiners should not consider *ex parte*, when raised by an applicant, questions which are pending before the Office in *inter partes* proceedings involving the same applicant.", citing *Ex Parte Jones*, 1924 C.D. 59, O.G. 681 (Comm'r Pat. 1924). M.P.E.P. § 709.01. While an appeal is not an *inter partes* proceeding, it is believed by the Applicants' representative that the same interests would be served, and most important, that the resources of the Patent and Trademark Office would be conserved, by reserving activity of the Office in this matter until the issues under appeal, including the issue with respect to the Manning reference, are resolved.

## PETITION TO SUSPEND ACTION UNDER 37 C.F.R. §1.103(a)

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CONCLUSION

Under the circumstances outlined above, the Applicants respectfully request suspension of action by the Office in the matter of Application Serial Number 08/984,562 under 37 C.F.R. §1.103(a), based on a showing of good and sufficient cause, for six months, and would further ask the Technology Center Director to consider and approve additional suspension requests by the Applicants in this matter, as needed, until the issues in related Application Serial Number 08/984,561, now appealed, are fully resolved, so that the related issues in this matter can be determined in a consistent manner. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JEFFREY S. MAILLOUX ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER &amp; KLUTH, P.A.

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Date 1 Oct. 2002By 

Timothy B. Clise

Reg. No. 40,957

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